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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,079	09/29/2003	James N. Guichard	CIS03-39(7814)	2172
58406 7590 03/17/2008 BARRY W. CHAPIN, ESQ. CHAPIN INTELLECTUAL PROPERTY LAW, LLC WESTBOROUGH OFFICE PARK 1700 WEST PARK DRIVE WESTBOROUGH, MA 01581			EXAMINER BLAIR, DOUGLAS B	
			ART UNIT 2142	PAPER NUMBER
			MAIL DATE 03/17/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/674,079

**Applicant(s)**

GUICHARD ET AL.

**Examiner**

DOUGLAS B. BLAIR

**Art Unit**

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-26 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-893)  
Paper No(s)/Mail Date 1/28/05, 5/10/2004  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the applicant's specification does not describe what the computer-readable medium of claim 26 comprises.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 25 is rejected under 35 U.S.C. 112, first paragraph, because claim 25 is a single means claim. The underlying structure for the claimed means for maintaining separate upstream routing policy information and the means for preventing use of the downstream policy information can only be interpreted as the Provider Edge node 132 shown in Figure 1 of the applicant's specification since there is no separate underlying structure disclosed for performing each of these functions. Therefore the applicant has claimed as single means which performs two functions. Single means claims are subject to undo breadth rejections as explained in section 2164.08(a) of the MPEP.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4 and 16 seem to contradict claims 1 and 13, respectively. Claim 4 features a limitation for where an upstream policy is used to forward a message to the first client however claim 1 explicitly states that the downstream routing policy information is used to forward traffic to the first client. It is unclear why the upstream policy is being claimed to forward messages downstream. For examination purposes it will be assumed that the applicant intended in claim 4 to state that the downstream policy is used to forward messages to the client. Claim 16 features the same contradiction with respect to claim 13. Appropriate correction or clarifying remarks are required.

Claim 16 recites the limitation "the second client" however no "second client" has been claimed previously. There is insufficient antecedent basis for this limitation in the claim. For examination purposes it will be assumed that claim 16 was intended to depend upon claim 15 in the same manner that claim 4 depends on claim 3.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-26 are rejected under 35 U.S.C. 102(c) as being anticipated by U.S. Patent Number 7,116,665 to Balay et al.

As to claim 1, Balay teaches a method in a network supporting virtual network connections associated with clients communicating through a first node, a method comprising: maintaining separate upstream routing policy information and downstream policy information at the first node, the upstream routing policy information being used at the first node to identify a second node to forward upstream traffic received from at least a first client communicating through the first node (col. 5, lines 30-48), the downstream routing policy information being used at the first node to forward downstream traffic received from a node to at least the first client (col. 5, lines 48-55); and for traffic transmitted by the first client through the first node, preventing use of the downstream policy routing information to route the traffic and instead utilizing the upstream routing policy information in the first node to ensure forwarding of the traffic transmitted by the first client from the first node to the second node (col. 5, lines 30-48).

As to claim 2, Balay teaches a method as in claim 1, wherein the traffic transmitted by the first client through the first node intended for receipt by a second client is forwarded to the second node (col. 7, line 62-col. 8, line 2, the participants are considered clients and the different SP's are considered second nodes).

As to claim 3, Balay teaches method as in claim 1 further comprising: receiving a session initiation request from a second client to establish a session to communicate through the first node (col. 5, lines 48-55, the Balay invention allows for multiple users using various PE

systems); from an address server, obtaining network address assignment information for the first client that generated the session initiation request, the assignment information including network address information to be used for identifying the second client (col. 5, lines 1-13); and populating the downstream routing policy information at the first node to include the network address information identifying the second client (col. 5, lines 48-55).

As to claim 4, Balay teaches a method as in claim 3 further comprising: receiving a network message from the second client coupled to communicate through the first node, the network message intended for receipt by the first client (col. 5, lines 48-55); utilizing the upstream routing policy information in the first node to identify a path on which to forward the network message (col. 5, lines 48-55); and forwarding the network message from the first node along the path to the second node (col. 5, lines 48-55).

As to claim 5, Balay teaches a method as in claim 4 further comprising: based on routing policy information at the second node, establishing a return path between the second node and the first node on which to forward the network messages to the first client through the first node (col. 6, lines 42-61).

As to claim 6, Balay teaches a method as in claim 1 further comprising: based on use of the upstream routing policy information and downstream policy information at the first node, establishing a VPN (Virtual Private Network) connection between the first node and the second node on which to forward traffic from the first client (col. 6, lines 42-61).

As to claim 7, Balay teaches a method as in claim 1, wherein the second node is part of a service provider network and the traffic between the first and second node is at least partly supported by a core network supporting a label switching protocol (col. 6, lines 10-20).

As to claim 8, Balay teaches a method as in claim 1, wherein the upstream routing policy information and downstream policy information at the first node are each half duplex VRFs (virtual Routing and Forwarding Instances), supporting forwarding of network messages generated by multiple clients communicating with each other through the first node and the second node (col. 6, lines 21-41).

As to claim 9, Balay teaches the method as in claim 1 further comprising: at the second node, applying a target-specific packet processing technique to the traffic from the first client forwarded through the second node (col. 5, lines 30-48).

As to claim 10, Balay teaches the method of claim 1 further comprising: populating the downstream policy information at the first node with network address information of each new client associated with a given service supported by a corresponding service provider (col. 5, lines 1-13).

As to claim 11, Balay teaches the method as in claim 10 further comprising: after the downstream policy information is populated in the first node for a new client, distributing the network address information populated in the downstream policy information at the first node to the second node via use of a notification message distributed according to a system routing protocol (col. 4 lines 32-67).

As to claim 12, Balay teaches the method as in claim 11, wherein the system routing protocol is based on BGP (Border Gateway Protocol) (col. 4, lines 32-67).

As to claims 13-26, they feature elements for performing the same method performed in claims 1-12 and are therefore rejected for the same reasoning as claims 1-12.

Claims 1-26 are rejected under 35 U.S.C. 102(a) as being anticipated by WO 03/073707 by Backman et al. (part of IDS filed 1/28/2005).

Claims 1-26 are rejected for the same reasoning presented in the International Search Report supplied as IDS on 1/28/2005. The reasoning provided in the search report is incorporated by reference to this office action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/  
Examiner, Art Unit 2142